UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 February 2009_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _7-27_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _7-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. Claims 7-27 have been examined. Application 10/616,486 HIGH-PRECISION CUSTOMER-BASED TARGETING BY INDIVIDUAL USAGE STATISTICS was filed 07/08/2003.

Response to Amendment

2. In response to Examiner Answer filed 12/05/2008, the Applicant filed an Amendment on 02/05/2009, which amended claims 18, 20 and 23.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent, a method/process claim must (1) be tied to a particular machine or apparatus (see at least Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876)) or (2) transforms a particular article to a different state or thing (see at least Gottschalk v. Benson, 409 U.S. 63, 71 (1972)). A method/process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here the claims fail to meet the above requirements because the steps are neither tied to a particular machine

or apparatus nor transforms a particular article to a different state or thing. The

Applicant needs to add significant structure to the claims.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 20 recites "promotional offers for a particular product

that may be distributed in aggregate to all customers". For purpose of art rejection

said limitation would be interpreted as meaning as distributing promotional offers to

customers.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-12, 18 and 20-27 are rejected under 35 U.S.C. 102(e) as being anticipated

by Sridhar et al (US 2003/0208754).

As per claim 23, Sridhar teaches:

In an electronic system for distributing promotional offers, a method of targeting a

plurality of customers from a customer database for distribution of limited quantities of

promotional offers from a plurality of promotional offers in accordance with one or more

constraints on the quantity of promotional offers to be distributed and/or on the selection

of the customers to whom promotional offers are to be distributed, the method,

comprising:

generating a plurality of scores for said plurality of customers, each said score

being associated with one said customer and with one said offer, and each said score

measuring a probability that the associated customer will make a purchase in

accordance with the associated offer (see paragraph 116 "purchase prediction: The

probability that a subscriber will purchase a particular product in a particular week is

referred a purchase prediction" i.e. customer-offer score);

identifying, *by a computing device,* the highest score in said plurality of scores

and identifying the customers substantially scoring said highest score (see paragraph

169 "select the ad of the product with largest purchase prediction for this subscriber

from the products associated with the selected event");

targeting customers of said plurality with personalized offer lists, wherein each

said identified customer's personalized offer list is generated in said electronic system

by assigning to the personalized list for each said identified customer the offers

associated with said highest score which satisfy said one or more constraints (see paragraph 175 "sponsor impose a restriction on number of such offers") successively repeating said identifying and assigning steps for the next highest successive score *and distributing one or more of the offers to one or more of the customers* (see paragraph 106, 156 169-170, "select product with next largest purchase prediction from product list of the current event and repeat step 19 to 27 until all products in the list are covered" see paragraph 191). Sridhar objective is to draw a customer's attention to a product which has the largest purchase prediction for said customer (see paragraph 156) and selects an ad from a set of ads pre-selected for said customer (see paragraph 106) where said ads are delivered to said customer in a sequence (i.e. from highest to lowest purchase prediction probability) from the products associated with a selected event (see paragraph 169-170) and where sponsors of said ads impose a restriction or constraint on the number of such offers (see paragraph 175). Therefore, Sridhar teaches a customer-based system as defined by Applicant's specification in page 7, lines 10-15 where products' offers are selected for each customer and where said offers are presented to said customer in a sequence based upon said offers' purchase prediction or score (i.e. probability that an offer would be accepted by a customer), similar to the Applicant's claimed invention.

As per claim 24, Sridhar teaches:

wherein said promotional offers relate to a plurality of products organized in taxonomic groupings, and the method further comprises:

basing the scores associated with one or more of said offers on the grouping probability that a customer will purchase any product in a given taxonomic grouping (see paragraph 133).

As per claim 25, <u>Sridhar</u> teaches:

wherein a score is based on said grouping probability and the offer associated with said score is for a product included in said given taxonomic grouping (see paragraph 133).

As per claim 26, <u>Sridhar</u> teaches:

wherein a score is based on said grouping probability and the offer associated with said score is for a product not included in said given taxonomic grouping (see figure 4C).

As per claim 27, <u>Sridhar</u> teaches:

wherein said one or more constraints include a limit on the number of offers delivered to any individual customer and said method further comprises: performing said assigning step for each said identified customer only a number of times equal to said limit (see paragraph 68).

As per claim 7, <u>Sridhar</u> teaches:

wherein said promotional offers relate to a plurality of products organized in taxonomic product grouping, and the method further comprises:

providing a product grouping probability profile associating with each said product grouping a measure of the probability that a customer will purchase a product from said product grouping (see paragraphs 213-229); and

deriving said score for each said combination of customer and promotional offer from the measure of probability associated with each product grouping containing a product subject to the promotional offer (see paragraphs 175-201).

As per claim 8, Sridhar teaches:

providing access to a transaction history database for at least a substantial portion of said plurality of customers, wherein the database associates with each customer of said substantial portion an identification of transactions engaged in by the customer and an identification of products previously purchased by the customer in each of the transactions (see paragraphs 71 and 134);

providing a transaction summary data structure associating with each said customer the total number of transactions the customer has engaged in and the numbers of transactions including each said product grouping (see paragraphs 140-159);

averaging the product groupings per transaction from said transaction summary data structure for at least a portion of said customers (see paragraphs 140-159); and

deriving said measure of probability associated with each said product grouping from the averaged product groupings per transaction for the associated product grouping (see paragraphs 140-159).

As per claim 9, Sridhar teaches:

normalizing said product grouping probability profile for an individual customer to reflect a relative probability of said individual customer purchasing from a product

grouping with respect to an average probability for a customer to purchase from said product grouping (see paragraphs 70, 140-160).

As per claim 10, Sridhar teaches:

applying preprogrammed targeting criteria embodying a marketing strategy to said product grouping probability profile to provide a profile of offer scores (see paragraph 160)

As per claim 11, Sridhar teaches:

said marketing strategy includes at least one targeting product grouping and a promoted product grouping linked to said at least one targeting product grouping; and said promotional offers are distributed only to customers having a high probability of acceptance for said at least one targeting product grouping (see paragraphs 175-178).

As per claim 12, Sridhar teaches:

providing a taxonomy of said product groupings; wherein said at least one targeting product grouping is defined in reference to said taxonomy (see paragraph 70, 133, figure 4C).

As per claim 18, Sridhar teaches:

In an electronic system for distributing promotional offers, a method of adjusting the distribution of limited quantities of promotional offers from a plurality of promotional offers to a plurality of customers comprising:

providing, for each combination of customer and promotional offer from said pluralities, a measure of the acceptance probability that the customer will accept the promotional offer (see paragraphs 175-201),

presenting the measures of acceptance probabilities for an individual customer in a graphical display on said electronic system (see figures 1A, 7; 4D2; paragraphs 136-149),

wherein said graphical display includes a plurality of graphic elements, one said graphic element being associated with each said measure of acceptance probability provided for said individual customer at least for the highest ranking of said measures (see paragraph 116; 136-149; figures 1A, 7);

enabling adjustment of said measures of acceptance probability by movement of the associated graphic elements; selecting by a computing device a limited quantity of offers from said plurality of offers for distribution to said individual customer, wherein said limited quantity of offers are selected substantially in descending order of said measures of acceptance probabilities as adjusted in said enabling step *and distributing at least one of the limited quantity of offers to said individual customer* (see paragraphs 164-201; see figure 7; 136-149).

As per claim 20, <u>Sridhar</u> teaches:

A method of distributing limited quantities of promotional offers to a plurality of customers utilizing a transaction history database comprising an identification of transactions engaged in and an identification of products previously purchased by one or more customers, said method comprising:

deriving a historical purchase probability profile from said transaction history database for at least a portion of the customers in said database and for a plurality of product groupings in said database, said historical purchase probability profile providing

for each individual customer and for each individual product grouping a measure of the probability that said individual customer will purchase a product from said individual product grouping (see paragraphs 64, 71, 116);

for each customer, applying a statistical model to said purchase probability profile for the customer to determine estimated probabilities that the customer will purchase one or more products from said product groupings (see paragraph 134-135);

selecting by a computing device for distribution to each customer (see paragraphs 178, 212)

the offers associated with the highest estimated probability which satisfy one or more constraints (see paragraph 175);

wherein one or more constraints is a limitation on the quantity of promotional offers for a particular product that may be distributed in aggregate to all customers *and distributing one or more of the selected offers to one or more of the customers* (see paragraph 175; "sponsors may impose a restriction on number of such offers").

As per claim 21, <u>Sridhar</u> teaches:

wherein said statistical model is an empirical Bayesian statistical model (see paragraph 135).

As per claim 22, <u>Sridhar</u> teaches:

wherein one or more of said product groupings includes one and only one product (see paragraph 191).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar et al (US 2003/0208754) in view of Deaton et al (U.S. 6,684,195).

As per claim 13, Sridhar fails to teach wherein said marketing strategy includes a MoveStock strategy. However, Deaton teaches a MoveStock strategy (see column 105, lines 63-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Sridhar would include a MoveStock marketing strategy, as taught by Deaton. It would important to Sridhar to include arbitrary grouping of products, such as hot cereals, because if a single product in the grouping of products is set up as a criteria and someone is infrequent to that criteria, a manufacturer might believe the customer is not buying hot cereals and would incorrectly target the customer with hot cereals' promotions.

As per claim 14, Sridhar fails to teach wherein said marketing strategy includes an UpSell strategy. However, Deaton teaches an UpSell marketing strategy (see column 90, lines 60-67; column 86). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Sridhar

would include an UpSell marketing strategy, as taught by <u>Deaton</u>. Including this feature in Sridhar would induce customers to expend more, as the customers that expend more money would receive the better offers.

As per claim 15, <u>Sridhar</u> fails to teach wherein said marketing strategy includes a CrossSell strategy. However, <u>Deaton</u> teaches a CrossSell strategy (see column 106, lines 11-40; column 109, lines 25-45; column 105). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that <u>Sridhar</u> would include a CrossSell marketing strategy, as taught by <u>Deaton</u>. <u>Sridhar</u> would use the customers' purchase history to determine the promotions' offers that would induce customers to purchase the promoted products.

As per claim 16, <u>Sridhar</u> fails to teach wherein said marketing strategy includes a Reward strategy. However, <u>Deaton</u> teaches a reward marketing strategy (see column 74, lines 19-27). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that <u>Sridhar</u> would include a Reward marketing strategy, as taught by <u>Deaton</u>. This feature would reward customers that purchase the promoted products.

As per claim 17, <u>Sridhar</u> fails to teach wherein said marketing strategy includes a BrandChange strategy. However, <u>Deaton</u> teaches a BrandChange marketing strategy (see column 103, lines 10-16). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that <u>Sridhar</u> would include a BrandChange marketing strategy, as taught by <u>Deaton</u>. This feature would target customers with incentives to change products' brands.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Sridhar</u> et al (US 2003/0208754).

As per claim 19, <u>Sridhar</u> fails to teach wherein said graphical display comprises a bar chart, said graphic elements comprise individual bars of said bar chart, and said movement comprises dragging said bars to lengthen and shorten them and thereby increase and decrease the associated measure of acceptance probability. However, Official Notice is taken that it is old and well known in the computer art to use software programs to create bar charts from input data and adjust said bar charts according to a user preference. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that if <u>Sridhar</u> sorts the offers acceptance probability in order to determine the products with the largest purchase predictions, <u>Sridhar</u> would also present all the purchase prediction products in a graphic bar chart. The user would be able to adjust the graphic bar chart in the user's computer and would be able to select the products' offers based upon said adjustment.

Response to Arguments

7. The Applicant argues that Applicant's claimed invention is directed to identifying the best fit between a plurality of offers and a plurality of individuals but that <u>Sridhar</u>, according to the Applicant, is directed to individuals and predicting the likelihood that an individual will accept a single given offer. The Applicant further argues that the Applicant's claimed system distributes an offer to the customer having the highest probability of purchasing the promoted product but <u>Sridhar</u> cannot determine which customer has the highest probability of purchasing a product because, according to the

Applicant, the system in <u>Sridhar</u> analyzes offers for a single customer in isolation. The Applicant further argues that <u>Sridhar</u> does not disclose "identifying the highest score in said plurality of scores and identifying the customer substantially scoring said highest score" because according to the Applicant, <u>Sridhar</u> is merely capable of populating one row of the score matrix depicted in Applicant's <u>specification</u> figure 3, whereas the Applicant's claimed invention is capable of populating the entire matrix because it generates scores for a plurality of customers, rather than a single customer. The Examiner answers that Applicant's claim 23 recites "generating a plurality of scores for said plurality of customers, each said score being associated with one said customer and with one said offer and each said score measuring a probability that the associated customer will make a purchase in accordance with the associated offer; identifying the highest score in said plurality of scores and identifying the customer substantially scoring said highest score". Using Applicant's figure 3 to interpret said limitation, it can be seen in said Applicant's figure 3 table a plurality of scores and a plurality of customers, however, the limitation "identifying the highest score in said plurality of scores and identifying the customer substantially scoring said highest score" does not recite if said identifying said highest score is done by finding the highest score by customer or by offer. This is an important distinction because finding the highest score by customer (*i.e.* by row) would produce a different result that finding said highest score by offer (*i.e.* by column). For example, using Applicant's figure 3, if said identifying said highest score is performed by customer (*i.e.* by row), offer 4 would have the highest score for customer 4. However, if said identifying the highest score is performed by offer

(*i.e.* by column), customer 1 would have the highest score for offer 4. Therefore, because said limitation does not recite if said identifying the highest score is done by customer or by offer, and because said identifying by customer or by offer would produce a different result, then, the Examiner would use Applicant's <u>specification</u> in order to interpret said limitation. Applicant's <u>specification</u> discloses that Applicant's claimed invention is a "Customer-Based" targeting which is obtained by selecting from the same probability matrix of Figure 3 the two promotional offers of highest probability for each customer (see Applicant's <u>specification</u> page 14, lines 9-15). Therefore, using Applicant's <u>specification</u>, the Examiner would interpret that the Applicant's "identifying the highest score and identifying the customer substantially scoring the highest score" would be performed by each customer (*i.e.* by each row of Applicant's figure 3) and targeting each customer with a personalize offer list would be interpreted as selecting from the same probability matrix of Figure 3 the promotional offers of highest probability for each customer (see Applicant's <u>specification</u> page 9, lines 1-15; see figure 4). <u>Sridhar</u> teaches a system with a plurality of subscribers (see paragraphs 63, 105; "select next subscriber") and also teaches targeting each subscriber from a plurality of subscribers with a personalize offer list (see paragraph 106 "set of ads pre-selected for a subscriber"; paragraph 169). <u>Sridhar</u> also teaches selecting a plurality of offers for each subscriber, ranking said offers in order of probability of being accepted by said subscriber (*i.e.* offers associated with the highest score") and distributing said offers to each subscriber in order of said probability, where said offers would be distributed to each subscriber from the largest to the lowest purchase prediction probability (see

paragraphs 169-175). Therefore, contrary to Applicant's argument, Sridhar would populate a table similar to Applicant's specification figure 3 because Sridhar teaches a plurality of subscribers (see paragraphs 63 and 105) and Sridhar also teaches ranking offers to distribute to each subscriber from the largest to the lowest purchase prediction probability, therefore, populating each row in a table similar to Applicant's figure 4, where each row would indicate the personalize offer list of each subscriber. Furthermore, Sridhar also teaches "identifying the highest score in said plurality of scores and identifying the customer substantially scoring said highest score" as Applicant's claimed invention performed said identifying the highest score by each subscriber (i.e. by each row of Applicant's figure 3) and Sridhar also teaches selecting the promotional offers of highest probability for each subscriber (see Sridhar paragraph 169). Furthermore, contrary to Applicant's argument, Sridhar can determine which subscriber has the highest probability of purchasing a product because Sridhar calculates the purchase prediction of an offer for all the subscribers that participate in the Sridhar system (see paragraph 63, 169).

The Applicant argues that Sridhar does not teach "providing, for each combination of customer and promotional offer from said pluralities, a measure of the acceptance probability that the customer will accept the promotional offer" because according to the Applicant, Sridhar describes determining a purchase prediction for an individual subscriber. The Examiner answers that Sridhar teaches a plurality of subscribers (see paragraphs 63, 105) and targeting promotions to each subscriber of said plurality of subscribers where said plurality of offers that are targeted to each

subscriber from a plurality of subscribers (see paragraph 63 "various subscribers") are ranked by order of acceptance probability and where said offers are distributed to said subscriber from the largest to the smallest purchase prediction probability (see paragraphs 169-175). Therefore, contrary to Applicant's claimed invention, Sridhar teaches "providing, for each combination of customer and promotional offer from said pluralities, a measure of the acceptance probability that the customer will accept the promotional offer" because Sridhar calculates the purchase prediction of an offer for all the subscribers that participate in the Sridhar system (see paragraph 63, 169).

The Applicant argues that the phrase "the highest estimated probability" has a different connotation in the claimed methods that it does in Sridhar because according to the Applicant, Sridhar only determines a purchase prediction for an individual subscriber and this purchase prediction is selected independently of the purchase predictions of other subscribers. Therefore, the Applicant argues that the system of Sridhar may distribute advertisements to subscribers who do not have the highest probability of purchasing the product being promoted. The Examiner answers that the Applicant is arguing about limitation that are not stated in the claims. Claim 20 recites "selecting for distribution to each customer the offers associated with the highest estimated probability which satisfy one or more constraints, wherein one of the one or more constraints is a limitation on the quantity of promotional offers for a particular product that may be distributed in aggregate to all customers". Sridhar teaches selecting for distribution to each subscriber a plurality of offers contained in a list, where each offer in said list is ranked according to said subscriber's acceptance probability and

where a restriction or constraint on the number of said offers distributed to each customer can be imposed by sponsors (see paragraphs 169-175). Furthermore, Sridhar teaches that each subscriber from a plurality of subscribers (see paragraph 63 "streaming schedule of various subscribers") would be targeted with their particular list of offers (see paragraph 105) and where said offers in said list would be transmitted in order from the largest to the lowest purchase prediction for said subscriber (see paragraph 169). Therefore, contrary to the Applicant's argument, Sridhar teaches the "the highest estimated probability" limitation and furthermore, Sridhar teaches targeting a plurality of offers to a plurality of subscribers.

The Applicant argues that neither Sridhar nor Deaton teaches "generating a plurality of scores for a plurality of customers, identifying the highest score in the plurality of scores for a plurality of customers, and providing the marketing information most likely to be accepted to each customer". The Examiner answers that Sridhar teaches a system where each subscriber from a plurality of subscribers (see paragraphs 63, 104-105) are targeted with a personalized offer list and where each offer in said list is ranked and distributed to said subscriber according to the order of acceptance probability for said subscriber (See paragraphs 165-172). Therefore, contrary to Applicant's argument, Sridhar teaches Appellant's claimed invention.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is

571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James W. Myhre can be reached on (571)272-6722. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/
Examiner, Art Unit 3688
April 17, 2009